UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

UNITED STATES ex rel. STEVEN J. BANDER, M.D.,)
Relator,) No. 4:01CV00553DDN
v.) FILED EX PARTE, IN CAMERA
GAMBRO HEALTHCARE U.S., INC.,)
Defendant.))

ORDER

The Court, having considered the United States of America's Notice of Partial

Intervention, Request to Partially Lift Seal, and Joint Stipulation of Dismissal filed by the United

States of America, Steven J. Bander, M.D. (Relator), and Gambro Healthcare, Inc., (identified above as Gambro Healthcare U.S., Inc.), ("Gambro"), it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

- 1. The parties having agreed to a settlement of this matter, accordingly, the Court consents to the Joint Stipulation of Dismissal.
 - 2. The claims and causes of action of Relator are dismissed with prejudice.
 - 3. The claims and causes of action of the United States are dismissed as follows:
- (a) Count I (Method II Supplies), Count III (Method II Emergency Supplies), Count IX (Preemptive Coding), and Count X (Medical Directors), are dismissed with prejudice; and

Case: 4:01-cv-00553-DDN Doc. #: 47 Filed: 12/02/04 Page: 2 of 2 PageID #: 49

(b) Count II (Method II Antibiotics), Count IV (Spit Vial Dosing), Count V

(EPO Overfill), Count VI (EPO Rebates), Count VII (Vitamin D Selection), Count VIII (Iron

Selection), Count XI (Jackson Memorial Hospital), and Count XII (GNS) of the Second

Amended Complaint in this action are dismissed without prejudice.

4. Each Party will bear its own costs and attorneys' fees except as provided for in the

Settlement Agreement, Terms and Conditions, paragraph 1c.

5. The seal shall be lifted only as to the following documents: the Second Amended

Complaint; the United States' Notice of Partial Intervention, Request to Partially Lift Seal, and

Joint Stipulation of Dismissal; and this Order. As to the United States only, the seal shall be

lifted as to the complete docket sheet from the date of the initial filing of this matter. All other

pleadings, including, but not limited to, all requests for extensions, partial lifting of the seal, and

any memoranda and declarations in support thereof, shall remain under seal except insofar as the

seal may have been previously lifted.

6. The Court shall retain jurisdiction solely for the purpose of enforcing the

settlement agreement between the Parties and for any proceeding relating to payment of an award

to the Relator as provided for by 31 U.S.C. § 3730(d)(1).

SO ORDERED:

DAVID D. NOCE

UNITED STATES MAGISTRATE JUDGE

Dated: Derember 2, 2004